

Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

UNITED STATES DISTRICT COURT

for the

District of Maryland

Southern Division

FILED
U.S. DISTRICT COURT
DISTRICT OF MARYLAND

2021 SEP -7 A 10:09

CLERK'S OFFICE
AT GREENBELT

BY _____

Case No.

21CV2286

(to be filled in by the Clerk's Office)

Martina Evans

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Shipley Homestead Homeowners Asso. Inc., et al

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Jury Trial: (check one) ☐ Yes ☒ No

COMPLAINT FOR A CIVIL CASE

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Martina Evans
Street Address	8313 Meadowood Drive
City and County	Hanover, Anne Arundel
State and Zip Code	Maryland 21076
Telephone Number	410-551-5375
E-mail Address	MEvansAtty@aol.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (*if known*). Attach additional pages if needed.

Defendant No. 1

Name	Shipley Homestead Homeowners Asso., Inc. s/o: James C. Praley
Job or Title (<i>if known</i>)	
Street Address	7419 Baltimore Annapolis Blvd.
City and County	Glen Burnie, Anne Arundel
State and Zip Code	Maryland 21061
Telephone Number	
E-mail Address (<i>if known</i>)	

Defendant No. 2

Name	Shipley Homestead Partners, LLC s/o: Gary W. Koch
Job or Title (<i>if known</i>)	
Street Address	2661 Riva Road, Bldg. 200, Suite 220
City and County	Annapolis, Anne Arundel
State and Zip Code	Maryland 21401
Telephone Number	
E-mail Address (<i>if known</i>)	

Defendant No. 3

Name	Comsource Management s/o: Peter P. Mechak
Job or Title (<i>if known</i>)	
Street Address	4620 Minuteman Drive
City and County	Rockville, Montgomery
State and Zip Code	Maryland 20853
Telephone Number	
E-mail Address (<i>if known</i>)	

Defendant No. 4

Name	Pulte Home Company, LLC s/o: CSC-Lawyers Incorp. Serv. Co.
Job or Title (<i>if known</i>)	
Street Address	7 St. Paul Street, Suite 820
City and County	Baltimore City
State and Zip Code	Maryland 21202
Telephone Number	

E-mail Address *(if known)* _____**II. Basis for Jurisdiction**

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

- ☐ Federal question ☒ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

B. If the Basis for Jurisdiction Is Diversity of Citizenship

1. The Plaintiff(s)

a. If the plaintiff is an individual

The plaintiff, *(name)* Martina Evans, is a citizen of the State of *(name)* Maryland.

b. If the plaintiff is a corporation

The plaintiff, *(name)*, is incorporated under the laws of the State of *(name)*, and has its principal place of business in the State of *(name)*.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)

a. If the defendant is an individual

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The defendant, *(name)* _____, is a citizen of
the State of *(name)* _____. Or is a citizen of
(foreign nation) _____.

b. If the defendant is a corporation

The defendant, *(name)* Pulte Home Company, LLC, is incorporated under
the laws of the State of *(name)* Michigan, and has its
principal place of business in the State of *(name)* Georgia.
Or is incorporated under the laws of *(foreign nation)* _____,
and has its principal place of business in *(name)* _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:

Plaintiff's claims include reimbursement, future losses and punitive damages totalling \$500,000

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

1. On November 17, 2019, I signed a purchase agreement for a newly constructed townhouse. The address of the property is 8313 Meadowood Drive, Hanover, Maryland 21076 ("the property"). I settled on the property on June 30, 2020 and moved in on July 3, 2020.
2. Pursuant to the purchase agreement, the property is "within the Shipley Homestead Homeowners Association, Inc." It also stated that, "It is anticipated that the Common Areas of the Association will include, if constructed, a pool, CLUBHOUSE...."
3. The Craftsman Clubhouse ("Clubhouse") is a single facility that incorporates the fitness center (gym) in one room and a large dining room with a table, kitchen and seating and an outside patio area (referred to collectively as the dining room). The entrance to the Clubhouse faces a small parking lot. Once you enter the Clubhouse, the gym is to the left and the dining room is to the right. The restrooms face the entrance and are shared by the gym and dining room guests.
4. The Clubhouse was prominently displayed in all of defendant Pulte's marketing and sales materials including advertisements, drawings, maps, brochures, videos, etc. One flyer stated, "Shipley Homestead is the only luxury townhome community in Hanover with the most amenities, future onsite retail and less than a mile from 295 and Fort Meade." It was completed and operational when I first visited in 2018, when I settled and when I moved in.
5. Defendants used the Clubhouse as a strong selling point to induce buyers including myself to sign a contract to buy. It was in fact a major reason for me entering into a contract to purchase at Shipley Homestead.
6. In July, 2020, I received Shipley HOA's Application and Rules and Regulations ("Rules and Regs") for use and rental of the Clubhouse and two key fobs for access to the Clubhouse. The Rules and Regs state that "Rentals will be permitted starting Fall 2018." However, I have been denied use, access and rental.
7. In February, 2021, I contacted Shipley Homestead's property management, Comsource to reserve the Clubhouse for October 22, 2021 and was transferred to Joe Bush who was unavailable. I called back and spoke with Rosa Rosas who informed me that the Clubhouse was currently not open due to Covid-19. She informed me that the Shipley HOA Board would meet to make the decision when to open the Clubhouse.
8. In June, 2021, I received a letter that the fitness center was opening on July 1, 2021. I asked Ms. Rosas about the dining room. She said that, "only the gym" was opening for now but "they are working to get the [dining room] opened soon...." However, defendants allowed others unrestricted use and access of the dining room.
9. On July 6, 2021, I emailed Ms. Rosas regarding rental of the Clubhouse. She stated, "It's in the process and soon you will be receiving some information hopefully by the end of August."
10. On August 9, 2021, I called and emailed Joe Bush and Ms. Rosas. When neither responded, the following day, I contacted Tracy Bass, Office Manager. She said that, "October 22, 2021 was available" and, "I could rent the dining room." However, Ms. Bass later called back and recanted her statement.
11. Ms. Bass stated the Clubhouse has never been rented; however, Shipley HOA has used it for its own events and purposes and has allowed others to use and have unrestricted access to the Clubhouse dining room.
12. On August 12, I emailed Mr. Bush a copy of Maryland Real Property Code Annotated, Section 11A-128. I asked Mr. Bush for notice of the meeting and for an opportunity to be heard regarding reopening the Clubhouse.
13. On August 13, 2021, Mr. Bush stated it was not him but "The HOA has not yet re-opened the facility," but "Once the Board makes the decision to re-open, a broadcast message will be issued to all owners and all owners will be given the opportunity to reserve space." He also stated the HOA can deny access to facilities harmful to residents. I informed Mr. Bush that there are no Covid restrictions in the State of Maryland; that Anne Arundel County has lifted all Covid restrictions; and that all guests, none of whom is a resident, would be vaccinated.
14. On August 25, 2021 and August 30, 2021, I sent Mr. Bush, Ms. Rosas, Ms. Bass and two Board members follow up emails and also called on August 25, 2021. To date, I have not received any notice of the dining room of the Clubhouse opening or a response from any of the defendants. I have not been able to rent the dining room.
15. This situation has created a hardship and is a huge disappointment for me. I need to accommodate 30-40 people including handicapped guests. I don't have space in my home or ample parking for everyone. I cannot afford to rent another venue at this late juncture. Also, I have expended funds for food, cake, decorations, favors and other expenses. These amounts are not reimbursable or refundable.

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

I am filing for an injunction for immediate use, access and rental of the Clubhouse dining room/kitchen. I am claiming damages for breach of contract against the defendants for failing to allow me to rent the Clubhouse. I am also demanding the difference between the market value of the property without and with a Clubhouse facility. I am claiming damages for having to rent another facility and choose from their food and beverage menu, travel and other expenses and for reimbursement of items purchased. In addition, I am claiming damages for pain and suffering and emotional distress. Lastly, I am claiming punitive damages for defendants' intentional actions, i.e. fraudulent inducement and discrimination. The total amount of damages claimed is \$500,000.00

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 09/07/2021

Signature of Plaintiff

Printed Name of Plaintiff

Martina Evans

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

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State and Zip Code

Telephone Number

E-mail Address